



State of Utah

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RODNEY G. MARRELLI
Executive Director

Date

Name

Address

City, State ZIP

RE: Restaurant Tax

Dear Name:

The Auditing Division of the Utah State Tax Commission recently conducted a review of your sales and use tax account. Based upon this review, it appears as though your business may meet the definition of a restaurant per Utah Code §59-12-602(4). A restaurant is any retail establishment whose primary business (more than 50 percent of the revenue) is the sale of prepared foods and beverages for immediate consumption. In addition to sales and use tax, Utah Code §59-12-603 authorizes county governments to impose a tourism (restaurant) tax of up to 1 percent on all sales of prepared foods and beverages by restaurants.

We need your cooperation in updating your sales and use tax account and at this time are asking you to review your business activities to determine if you qualify as a restaurant. To assist you we have enclosed **Answers to Frequently Asked Questions**. If you do qualify as a restaurant please indicate as such on the enclosed **Questionnaire** and your sales and use tax account will be set up to start receiving Tax Commission form TC-61F (*Tourism, Recreation, Cultural, Convention Facilities & Car Rental Tax Return*). You will then be required to start collecting and remitting the restaurant tax. If you are not operating as a restaurant, do not disregard this letter. Please fill out the enclosed **Questionnaire** indicating that you are not operating as a restaurant and state what your primary business activity is.

You can also find an **Answers to Frequently Asked Questions** as well as the **Questionnaire** at <http://tax.utah.gov/selfreview> (select the **Restaurant Tax** link). If you complete the **Questionnaire** form on-line, please print it out and send it to us in the enclosed return envelope. You can also fill out the form by hand and return it in the enclosed return envelope.

The **Questionnaire** needs to be completed and returned to the Auditing Division within 30 days from the date of this letter. If the **Questionnaire** is not returned timely, we will presume that you are operating as a restaurant and your sales and use tax account will be set up to start receiving Tax Commission form TC-61F (*Tourism, Recreation, Cultural, Convention Facilities & Car Rental Tax Return*).

Any business operating as a restaurant, for purposes of this tax, will be required to collect and remit the restaurant tax for future periods. Businesses complying with this request within 30 days will be liable for future liabilities only and will not have to file and pay the restaurant tax for past periods.

It is important that you return the completed **Questionnaire within 30 days from the date of this letter**. If you have any questions or concerns, please contact Ralph Hoggan at (801) 297- 4759, Mark Long at (801) 297- 4758 or Matthew Duke at (801) 297- 4670. You may also e-mail us at comp@utah.gov. Thank you for your prompt attention and cooperation regarding this matter.

Respectfully,

Michael Christensen
Tax Audit Manager

MC/mal
Enclosures